

## **ARKANSAS TOBACCO CONTROL MEETING MINUTES**

**SEPTEMBER 4, 2014**

The Arkansas Tobacco Control Board met on Thursday, September 4, 2014 for its monthly meeting in the Main Street Mall building, located at 101 E. Capitol Avenue, Little Rock, Arkansas, beginning at 10:00 a.m. in Suite 119. There were 5 – Board members present. Those attending were Mr. Kevin Case, Ms. Carol Dyer, Mr. John Hauge, Dr. J.J. Lacey Jr., Chairman Mr. Steve Lightle. We had 1 member absent – Mr. Sam Stathakis Jr.. Dr. Tommy Wagner and Dr. Laura Sisterhen's term has expired which leave us with 2 open positions.

Mr. Lightle began the meeting with a "Welcome" to those attending. He then introduced Mr. Greg Kirkpatrick serving as the Hearing Officer, Ms. Lydia Heroman, as Court Reporter.

Mr. Lightle presented Dr. Casey Rockwell with a service recognition award for her time served as Deputy Director over the FDA Department.

Mr. Lightle asked for a motion to approve the board meeting minutes from June 5<sup>th</sup>, 2014. The minutes were approved with a blanket vote of 5 yes votes, 1 member absent and 2 open positions. Confirmation of the canceled meeting for the July 3<sup>rd</sup>, and August 7<sup>th</sup>, 2014 meetings were also approved with 5 yes votes, 1 member absent and 2 open positions.

Mr. Roland Darrow spoke on several different topics concerning updates on old business including taking a new vote on the \$60 Stipend that has been authorized to take effect January 1, 2014 and payment to start in September 2014. This was approved with a blanket vote of 5 yes votes, 1 member absent and 2 open positions.

The default list dated July 3<sup>rd</sup> and also another dated September 4<sup>th</sup>, 2014 were read aloud by Attorney Roland Darrow. Both were approved with a blanket vote of 5 yes votes, 1 member absent and 2 open positions.

The Hearing Officer then opened the Disciplinary Hearings and asked Mr. Darrow, to present the following:

**CONSENT ORDERS**

**Case #2014-287      Permit #124-03      Avoca Convenience Store      Rogers, AR**

**Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)**

A consent order was presented to the board for fines levied of \$250 and all employees must attend ATC Merchant Education Training within six (6) months.

A motion was made to approve the Consent Order as presented with 5 yes votes, 1 member absent and 2 open positions.

**Case #2014-336      Permit #11248-01      Murphy Express #8514      Blytheville, AR**

**Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)**

A consent order was presented to the board for fines levied of \$250 and all Murphy USA and Murphy Express employees in Arkansas must attend ATC Merchant Education Training within 12 months of the date of the Order or their date of hire, whichever is later.

A motion was made to approve the Consent Order as presented with 5 yes votes, 1 member absent and 2 open positions.

**LENIENCY HEARINGS**

**Case #2014-235      Permit #2065-02      Sody's Liquor Store      North Little Rock**

**Violations: §5-27-227 (a)(1) Sales to Minor (2nd offense)**

Testimony was heard from the owner Baljit Kaur and her husband Lakhwinder Singh. A motion was made to find Sody's Liquor Store in violation of §5-27-227. A fine was levied of \$200 plus ATC Merchant Education Training for the owners and all employees within 6 months.

The motion was approved with 5 yes votes, 1 member absent and 2 open positions.

**Case 2014-379    Permit 6422-01        Fourche Valley Tobacco Co.        Perryville**

**Violations: §5-27-227 (a)(1)   Sales to Minor (3rd offense)**

The owner, Ms. Alice Wallis was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Fourche Valley Tobacco Co. in violation of §5-27-227 (a)(1). The board levied a penalty of \$500.00 plus ATC Merchant Training for all employees within 6 months. The motion was approved with 5 yes votes, 1 member absent and 2 open positions.

**Case 2014-404    Permit #6656-02        Servgas Sudden Service LLC        Jonesboro**

**Violations: §5-27-227 (a)(1)   Sales to Minor (2nd offense)**

The owner, Seshagiri Kilaru was present to appear before the board in this matter.

After hearing testimony, a motion was made to find Servgas Sudden Service, LLC in violation of §5-27-227 (a)(1). The board levied a penalty of \$250.00 plus ATC Merchant Training for all employees within 6 months. The motion was approved with 5 yes votes, 1 member absent and 2 open positions.

The Disciplinary Hearings were concluded and the meeting was turned back over to Chairman, Mr. Steve Lightle.

The Director, Mr. Thomas asked the Board to review the “New Retail Permits” report dated from June 5th through September 3rd, 2014 and approve as submitted. A motion was made to approve with 5 yes votes, 1 member absent and 2 open positions.

The Director then asked the Board to review the “Accepted Offers of Settlement for Board Approval” reports dated July 3rd, August 7<sup>th</sup> and September 4<sup>th</sup>, 2014. A separate motion was made on each report to approve the “Accepted Offers of Settlement” reports. Each motion passed with 5 yes votes, 1 member absent and 2 open positions.

Mr. Greg Sled gave a brief update on the Sales to Minor division activities and Mr. Ray Owens did the same on the FDA Division.

In the absence of the Attorney General, Director Thomas gave an update from the court.

Mr. Lightle announced the next Board Meeting will be October 2<sup>nd</sup>, 2014 and today's meeting was adjourned.

Minutes prepared by

---

Pat Dykes

September 5, 2014